



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SPEECH

SUBJECT: Environmental Council of States (ECOS)
FROM: John Peter Suarez
TO: Environmental Council of States (ECOS), San Antonio, TX

Environmental Council of States Meeting (ECOS)

GOOD MORNING. IT IS A PLEASURE TO BE HERE BEFORE THE ECOS COMPLIANCE COMMITTEE FOR THE FIRST TIME AS THE ASSISTANT ADMINISTRATOR FOR EPA'S OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE. ECOS AND THE COMPLIANCE COMMITTEE HAVE BEEN VALUABLE PARTNERS WITH EPA ON A WIDE RANGE OF ISSUES OVER THE YEARS. IN FACT, FOUR FORMER STATE ENVIRONMENTAL PROGRAM DIRECTORS ARE NOW EPA REGIONAL ADMINISTRATORS. AS MANY OF YOU KNOW, MY PREVIOUS JOB WAS WITH THE STATE OF NEW JERSEY AS AN ENFORCEMENT OFFICIAL. I BELIEVE THESE SHARED EXPERIENCES WILL HELP US WORK TOGETHER IN PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT.

BOTH THE FEDERAL GOVERNMENT AND THE STATES HAVE IMPORTANT ROLES TO PLAY IN PROTECTING HUMAN HEALTH AND THE ENVIRONMENT. I

WANT TO CONTINUE TO NURTURE A STRONG EPA-STATE PARTNERSHIP THAT CAN ADAPT TO NEW AND CHANGING ENVIRONMENTAL CHALLENGES FACING THIS COUNTRY AT BOTH THE LOCAL AND NATIONAL LEVELS. IT IS MY OBJECTIVE TO WORK WITH YOU TO FIND NEW WAYS TO PROMOTE COMPLIANCE, BY WAY OF IMPROVED COORDINATION AS WELL AS COLLECTING COMPREHENSIVE DATA AND USING IT WISELY. I WANT TO WORK WITH YOU TO BUILD A FAIR AND FLEXIBLE ENFORCEMENT PROGRAM.

THE ROLES OF STATE AND FEDERAL AGENCIES IN ENVIRONMENTAL ENFORCEMENT SHOULD BE CLEAR AND PREDICTABLE. WE KNOW THAT STATES NOW ASSUME THE VAST MAJORITY OF THE AUTHORIZED AND DELEGATED PROGRAMS. THEREFORE, STATES NEED TO HAVE THE TOOLS AND CAPACITY TO FULFILL THEIR ROLES. AT THE FEDERAL LEVEL, EPA HAS A UNIQUE ROLE TO PLAY. A MAJOR PART OF THIS ROLE IS TO FOCUS ON NATIONAL PRIORITIES AND POLLUTION THAT CROSSES STATE BOUNDARIES. IT IS OUR AIM TO SELECT THE RIGHT TOOL OR MIX OF TOOLS TO SOLVE EACH ENVIRONMENTAL PROBLEM. WE ALSO NEED TO WORK TOGETHER AND PURSUE SMART ENFORCEMENT THAT RESULTS IN ENVIRONMENTAL BENEFITS AND IMPROVEMENTS. WE SHOULD WORK TOGETHER AND CONSULT EACH OTHER ON PENDING ENFORCEMENT MATTERS AND COMPLIANCE ACTIVITY. THERE SHOULD BE NO SURPRISES IN OUR RELATIONSHIP WITH EACH OTHER.

REGIONS AND STATES MUST WORK TOGETHER TO ENSURE THAT PRIORITIES AND RESOURCES ARE DISCUSSED AND INCORPORATED THROUGH A

JOINT PRIORITY SETTING PROCESS. EARLY INVOLVEMENT OF STATES IN SETTING NATIONAL PRIORITIES IS KEY TO ESTABLISHING THE CORRECT GOALS AND TO LEVERAGE THE VAST AMOUNT OF KNOWLEDGE AND EXPERTISE IN THE STATE ENVIRONMENTAL PROGRAMS. EPA NEEDS TO RECOGNIZE REGIONAL AND STATE PRIORITIES, AND RESOURCE ISSUES, AS PART OF THIS PROCESS. PARTICULARLY IN LIGHT OF EXISTING FISCAL CONSTRAINTS, THERE IS A STRONG NEED FOR SMART PRIORITIZATION AND TARGETING. THE AGENCY IS REVIEWING ITS GOAL STRUCTURE AND DEVELOPING A STANDARDIZED PLANNING CYCLE. WITHIN OECA, I HAVE CONVENED A TASK FORCE OF SENIOR MANAGERS TO REVIEW ITS PLANNING, PRIORITY SETTING AND TARGETING PROCESSES, AND DEVELOP RECOMMENDATIONS BY THE END OF THE YEAR FOR IMPROVEMENTS AND CHANGES. PART OF THIS PROCESS WILL ENTAIL REACHING OUT TO THE STATES FOR INPUT.

DATA COLLECTION AND ANALYSIS IS A KEY COMPONENT IN OUR EFFORTS TO BE EFFECTIVE AND EFFICIENT IN OUR ENFORCEMENT PRACTICES. AS WE ANALYZE DATA, WE ARE ABLE TO RECOGNIZE PRIORITY SECTORS AND AREAS WHERE ENFORCEMENT IS NECESSARY AND WHERE COMPLIANCE TOOLS ARE NEEDED. WE WANT TO FOCUS OUR RESOURCES IN THE PLACES WHERE WE WILL HAVE THE MOST POSITIVE ENVIRONMENTAL BENEFIT FROM OUR ENFORCEMENT ACTIVITIES - “ THE MOST BANG FOR OUR ENVIRONMENTAL BUCK.” IN TERMS OF ENFORCEMENT, WE DON’T WANT TO SQUANDER RESOURCES FOR “GOTCHA” ACTIONS, WHICH ARE DIGGING FOR PETTY PERMIT VIOLATIONS TO SHOW ENFORCEMENT ACTIONS HAVE BEEN CARRIED OUT. WE ARE INTERESTED IN

ENFORCEMENT ACTIONS WHICH RESULT IN MEASURABLE ENVIRONMENTAL IMPACTS. THIS IS ACCOMPLISHED BY TARGETING THE TROUBLE SPOTS REVEALED THROUGH DATA ANALYSIS. WE NEED TO STRENGTHEN HOW WE COLLECT AND ANALYZE DATA IN ORDER TO EVALUATE COMPLIANCE TRENDS NATIONWIDE. (THIS IS WHERE WE NEED THE STATES TO PLAY AN INTEGRAL PART.) A SAMPLE OF OUR WORK IN REACHING THIS GOAL IS OECA'S DEVELOPMENT OF THE INTEGRATED COMPLIANCE INFORMATION SYSTEM (ICIS) TO IMPROVE TARGETING AND PROGRAM MANAGEMENT. WE ARE ALSO SEEKING TO MODERNIZE THE PERMIT COMPLIANCE SYSTEM (PCS) TO IMPROVE DISCHARGE MONITORING DATA.

IT IS NOT JUST IMPORTANT, BUT I BELIEVE IMPERATIVE, THAT WE DEVELOP OUR ABILITY TO MEASURE THE OUTCOMES AND ENVIRONMENTAL IMPACTS OF OUR WORK. DURING 1999-2001, OECA AWARDED GRANTS TOTALING \$5.4 MILLION FOR 39 PROJECTS IN 34 STATES TO HELP STATES DEVELOP OUTCOME MEASUREMENT FOR STATE PROGRAMS AND FOR COMPLIANCE ASSISTANCE.

IN FY 2002, ECOS APPLIED AND WAS AWARDED A FOLLOW-UP GRANT TO PRESENT NEW DATA ON THE STATES' ENFORCEMENT AND COMPLIANCE EFFORTS FOR THE YEARS 2000 AND 2001. THE GRANT WAS AWARDED VIA STAG (STATE AND TRIBAL ASSISTANCE GRANTS) FUNDS AND WAS GIVEN TO ECOS THROUGH THE STATE OF NEW MEXICO IN THE AMOUNT OF \$175,000. PART L OF THE GRANT WILL FOCUS ON DEVELOPING A NEW REPORT THAT RELIES ON THE

ENFORCEMENT/COMPLIANCE DATA STANDARDS THAT WERE DEVELOPED BY EPA AND THE STATES. ECOS WILL ALSO EXPLORE WAYS TO CONTRIBUTE STATE PERFORMANCE INFORMATION TO OECA'S ANNUAL PERFORMANCE REPORT. PART 2 OF THE REPORT WILL FOCUS ON STATES' ABILITY AND SUCCESS IN MEASURING OUTCOMES, PARTICULARLY, COMPLIANCE RATE OUTCOMES.

OECA'S OFFICE OF COMPLIANCE PREPARED A REPORT, "USING PERFORMANCE MEASUREMENT DATA AS A MANAGEMENT TOOL," IN JUNE OF THIS YEAR. THESE EFFORTS MAKE STRIDES TOWARD IMPROVING THE MEASUREMENT OF OUR WORK AND REPRESENTING IT MORE ACCURATELY.

AS MANY OF YOU KNOW, WE'RE ABOUT TO LAUNCH THE ECHO WEB SITE. I THINK IT'S AN IMPORTANT TOOL THAT WILL ALLOW USERS TO FIND PERMIT, INSPECTION, VIOLATION, ENFORCEMENT ACTION, AND PENALTY INFORMATION COVERING THE PAST TWO YEARS FOR APPROXIMATELY 800,000 PERMITTED FACILITIES REGULATED UNDER THE CLEAN AIR ACT (CAA) STATIONARY SOURCE PROGRAM, CLEAN WATER ACT (CWA) NATIONAL POLLUTANT ELIMINATION DISCHARGE SYSTEM (NPDES), AND RESOURCE CONSERVATION AND RECOVERY ACT (RCRA). THE DATA CAN BE ACCESSED IN A VARIETY OF WAYS, AND TRI EMISSIONS AND DEMOGRAPHIC DATA LINKS WILL ALSO BE PROVIDED.

ON SEPT. 5, MANY STATE COMMISSIONERS AND THEIR REPRESENTATIVES PARTICIPATED IN A CONFERENCE CALL WITH ME TO DISCUSS PREPARATIONS FOR PUBLIC RELEASE OF THE WEB SITE. I DISCUSSED ECHO'S BACKGROUND

AND RATIONALE, WORK DONE WITH STATES TO REVIEW DATA QUALITY, AND QUESTIONS WE MAY RECEIVE FROM THE PUBLIC AND THE REGULATED COMMUNITY. OUR REGIONAL ADMINISTRATORS OR THEIR REPRESENTATIVES HAVE HAD CONFERENCE CALLS ABOUT ECHO WITH ALMOST ALL 50 STATE COMMISSIONERS OR THEIR REPRESENTATIVES. MY STAFF IS WORKING HARD TO RESPOND TO AND RESOLVE THE CONCERNS RAISED ON THE CALLS.

COMPLIANCE ASSISTANCE IS A KEY COMPONENT AND TOOL FOR OUR PROGRAMS. COMPLIANCE ASSISTANCE IS NOT MUTUALLY EXCLUSIVE. I WANT TO INCREASE COMPLIANCE BY EXPANDING COMPLIANCE ASSISTANCE AND INTEGRATING IT WITH MONITORING, INCENTIVES, AND ENFORCEMENT.

IN FY 2001, OVER 500,000 ENTITIES SOUGHT ASSISTANCE FROM EPA-SPONSORED COMPLIANCE ASSISTANCE CENTERS. IN FY 2001, 73% OF BUSINESS/LOCAL GOVERNMENT SURVEY RESPONDENTS TOOK ONE OR MORE ACTIONS AS A RESULT OF CENTER ASSISTANCE. WE ARE PARTNERING WITH STATES TO PROVIDE STATE-SPECIFIC INFORMATION TO THE CENTERS.

EPA SPONSORS AN ANNUAL OR BIENNIAL NATIONAL DIALOGUE WITH ENVIRONMENTAL ASSISTANCE PROVIDERS AND THE REGULATED COMMUNITY TO STRENGTHEN THE PLANNING AND DELIVERY OF COMPLIANCE ASSISTANCE. THESE FORUMS ENABLE PROVIDERS FROM ACROSS THE COUNTRY TO SHARE THEIR EXPERTISE, BUILD THEIR SKILLS, AND TO NETWORK. PREVIOUS FORUMS HAVE BEEN HELD IN ANNAPOLIS AND HOSTED BY REGION 3, AND IN ATLANTA,

HOSTED BY REGION 4. THIS YEAR'S FORUM WILL BE HELD RIGHT HERE IN SAN ANTONIO AND IS HOSTED BY REGION 6. WE ARE PLEASED TO HAVE AS OUR COSPONSOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

ANOTHER IMPORTANT TOOL I'M GOING TO UTILIZE IS INCENTIVE PROGRAMS. EPA IS COMMITTED TO HELPING ENTITIES COMPLY WITH REGULATORY REQUIREMENTS AND IMPROVE ENVIRONMENTAL PERFORMANCE THROUGH COMPLIANCE INCENTIVES. WE HAVE IMPLEMENTED STRATEGIC, COMPREHENSIVE PROGRAMS TO ACHIEVE ENVIRONMENTAL AND HEALTH PROTECTION GOALS THROUGH INCENTIVES THAT ENCOURAGE THOSE BEING REGULATED TO CONDUCT SELF-AUDITS AND INSPECTIONS OF FACILITIES TO IDENTIFY VIOLATIONS. IN FY 2001, 1,754 FACILITIES VOLUNTARILY SELF-DISCLOSED AND CORRECTED VIOLATIONS. I WANT TO CONTINUE TO BUILD AN EFFECTIVE DISCLOSURE PROGRAM. ALSO ANOTHER INNOVATION IS THE "PERFORMANCE TRACK" PROGRAM WHICH OFFERS INCENTIVES TO REWARD COMPANIES THAT MAINTAIN CONTINUED BEYOND COMPLIANCE STANDARDS. OECA OFFERED THE FIRST INCENTIVE, LOW PRIORITY ON THE INSPECTION LIST, FOR PARTICIPANTS IN THE PERFORMANCE TRACK PROGRAM. EPA HAS ENTERED INTO A NUMBER OF MOUs WITH STATES TO ENSURE COORDINATION OF PERFORMANCE TRACK AND STATE RECOGNITION PROGRAMS.

IT IS MY GOAL TO ENFORCE OUR NATIONS' ENVIRONMENTAL LAWS TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, INCORPORATING ENVIRONMENTAL JUSTICE INTO EVERY PROGRAM, POLICY AND ACTIVITY THAT MY OFFICE IMPLEMENTS. IT IS MY AIM TO HAVE FAIR TREATMENT AND MEANINGFUL INVOLVEMENT OF ALL PEOPLES REGARDLESS OF RACE COLOR, NATIONAL ORIGIN, CULTURE, EDUCATION OR INCOME. OECA IS WORKING CLOSELY WITH THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL, WHICH HAS ESTABLISHED A WORKGROUP TO FURTHER IMPROVE THE DEVELOPMENT AND DELIVERY OF EPA'S COMPLIANCE ASSISTANCE TOOLS. THE WORKGROUP WILL PROVIDE ADVICE TO OECA ON 1) HOW CAN EPA DESIGN COMPLIANCE ASSISTANCE TOOLS TO BE USEFUL TO AFFECTED COMMUNITIES AS WELL AS TO MEET THE NEEDS OF THE REGULATED COMMUNITY, AND 2) HOW CAN COMMUNITY GROUPS HELP EPA IMPROVE THE DELIVERY OF RELEVANT TOOLS TO THE ENTITIES THAT NEED THEM. I RECOGNIZE THAT A NUMBER OF STATES ARE ASSISTING US WITH OUR VERY IMPORTANT WORK IN THIS AREA.

IT IS MY INTENT, WITHIN THE FIRST FEW MONTHS AS ASSISTANT ADMINISTRATOR, TO VISIT ALL THE EPA REGIONS. IN FACT, I'VE ALREADY VISITED SEVERAL OF THEM (6/10). I WILL FOLLOW UP WITH THE STATES TO DISCUSS ISSUES RAISED DURING THESE TRIPS. EFFECTIVE COMMUNICATION IS AN INTEGRAL PART OF ENABLING US TO ACHIEVE OUR COMMON GOALS. I LOOK

FORWARD TO WORKING CLOSELY WITH YOU AND THE REGULATED COMMUNITY
TO BUILD UPON THE PRINCIPLE THAT A STRONG COMPLIANCE PROGRAM IS THE
CENTRAL AND INDISPENSABLE ELEMENT OF OUR EFFORTS TO ENSURE
WORKABLE AND FLEXIBLE SOLUTIONS TO ACCOMPLISH OUR GOAL OF
ENVIRONMENTAL PROTECTION.